

IN THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF
MINNESOTA

IN RE: BAIR HUGGER FORCED AIR MDL No. 15-md-2666(JNE/FLN)
WARMING DEVICES PRODUCTS
LIABILITY LITIGATION

This document relates to:

JOHN W. SMITH, et al.

Plaintiff,

Civil Action No. 0:17-cv-2889-JNE-FLN

**DECLARATION OF SETH S. WEBB IN SUPPORT OF
PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION TO DISMISS**

I, Seth S. Webb, declare as follows:

1. I am an attorney at Brown and Crouppen Law Firm and Counsel for Plaintiff John Smith in the above-captioned matter.

2. I submit this affidavit in opposition to Defendant's Motion to Dismiss for Failure to Comply with Pretrial Order No. 23 [Dkt. 1354] filed on July 12, 2018.

3. Mr. Smith contacted Brown and Crouppen Law Firm in February of 2017 regarding injuries that were allegedly caused by the Bair Hugger patient warming device.

4. Medical records and billing records pertaining to Mr. Smith's treatment were

obtained by Brown and Crouppen. Those records indicated that a Bair Hugger device was used during his initial orthopedic surgery.

5. This case was filed on July 13, 2017 to comply with the statute of limitations deadline.

6. Plaintiff's spouse, Janet Smith, informed Counsel on June 20th, 2018 that John Smith had passed away on March 3, 2018. Counsel immediately filed the Suggestion of Death.

7. Ms. Smith is working diligently with a Probate attorney to properly appoint a Personal Representative to pursue the claims of the deceased plaintiff.

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is true and correct.

RESPECTFULLY SUBMITTED,

BROWN & CROUPPEN, P.C.

Dated: July 18, 2018

/s/Seth S. Webb
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